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6 UNITED STATES DISTRICT COURT  
7 WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

8 QUY DINH NGUYEN,

9 Petitioner,

10 v.

11 ROBERT FERGUSON, et al.,

12 Respondents.

Case No. C17-1338-JCC-JPD

ORDER VACATING STAY AND  
SETTING BRIEFING SCHEDULE

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14 This is a 28 U.S.C. § 2254 habeas action. On January 3, 2018, the Court stayed this  
15 action pending resolution of petitioner's pending state-court action. Dkt. 14. The parties have  
16 informed the Court that petitioner's state-court action has concluded. Dkt. 15. Accordingly, the  
17 Court finds and ORDERS:

18 (1) The stay entered on January 3, 2018, Dkt. 14, is VACATED.

19 (2) Within *forty-five (45) days* of the date of this Order, respondent shall file and  
20 serve an answer in accordance with Rule 5 of the Rules Governing Section 2254 Cases in United  
21 States District Courts. As part of such answer, respondent shall state whether petitioner has  
22 exhausted available state remedies and whether an evidentiary hearing is necessary. Respondent  
23 shall not file a dispositive motion in place of an answer without first showing cause as to why an

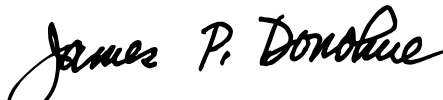
ORDER VACATING STAY AND  
SETTING BRIEFING SCHEDULE - 1

1 answer is inadequate. Respondent shall file the answer with the Clerk of the Court and serve a  
2 copy of the answer on petitioner.

3 The answer will be treated in accordance with LCR 7. Accordingly, on the face of the  
4 answer, respondent shall note it for consideration on the fourth Friday after filing. Petitioner  
5 may file and serve a response not later than the Monday immediately preceding the Friday  
6 designated for consideration of the matter, and respondent may file and serve a reply not later  
7 than the Friday designated for consideration of the matter.

8 (3) The Clerk is directed to send copies of this order to the parties and to the  
9 Honorable John C. Coughenour.

10 Dated this 14th day of May, 2018.

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12 JAMES P. DONOHUE  
13 United States Magistrate Judge  
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